

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6969

BILL NUMBER: SB 363

NOTE PREPARED: Jan 1, 2010

BILL AMENDED:

SUBJECT: Public Records.

FIRST AUTHOR: Sen. Broden

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill provides that the provisions in the public records law regarding investigatory records of a crime apply to investigatory records of the commission of an infraction or the violation of a municipal or county ordinance or local law.

It also provides that for purposes of the public records act, a law enforcement agency includes attorneys representing a political subdivision.

Effective Date: July 1, 2010.

Explanation of State Expenditures:

Explanation of State Revenues: A public employee, a public official, or an employee or officer of a contractor or subcontractor of a public agency who knowing and intentionally discloses confidential information may be subject to a Class A misdemeanor or discipline for intentionally, knowingly, or recklessly disclosing or failing to protect information classified as confidential by state statute. There are no data available to indicate if more offenders may be convicted or disciplined if additional elements are included in the definition of certain terms of the public access laws.

Background: State statute requires a request for public records be filled unless the it is confidential information. Investigatory records for a crime are confidential except for certain information which includes the person's name, age, and address, the charge against the person, and the circumstance of the summons. The bill would add certain noncriminal violations to these provisions. Under current law, the telephone

number and address in the records of a law enforcement agency are confidential.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class A misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

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